

the premises upon which such farm products are produced."

Pending action,

Senator Greer moved that the Senate adjourn to 10 a. m. to-morrow.

Senator Atlee moved that the Senate adjourn to 10 a. m. Wednesday.

Lost by the following vote:

Yeas—4.

Atlee.	Ross.
Burns.	Stone.

Nays—17.

Beall.	Rogers.
Boren.	Stafford.
Bowser.	Terrell.
Colquitt.	Tillett.
Darwin.	Wayland.
Dibrell.	Woods.
Gough.	Yantis.
Greer.	Yett.
Harrison.	

Absent.

Goss.	Linn of Wharton.
Kerr.	Presler.
Lewis.	Turney.
Linn of Victoria.	

Excused.

Bailey.	Neal.
Morriss.	

The Senate then adjourned to 10 a. m. to-morrow.

FORTY-THIRD DAY.

Senate Chamber,

Austin, Tex., Tuesday, Mar. 9, 1897.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Beall.	Linn of Wharton.
Boren.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Stone.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Wayland.
Greer.	Yantis.
Harrison.	Yett.

Absent.

Atlee.	Linn of Victoria.
Kerr.	Turney.
Lewis.	Woods.

Excused.

Bailey.	Neal.
Morriss.	

Prayer by Rev. Jackson, Chaplain of the House of Representatives.

Pending the reading of the Journal of yesterday,

On motion of Senator Harrison, the same was dispensed with.

On motion of Senator Gough, Senator Linn of Victoria was excused from attendance upon the Senate for the remainder of the week, on account of important business.

On motion of Senator Ross, Senator Linn of Wharton was excused for yesterday, on account of important business.

On motion of Senator Yantis, Senator Woods was excused for to-day, on account of important business.

On motion of Senator Tillett, Senators Lewis and Turney were excused for to-day, on account of official business.

On motion of Senator Yett, The Chaplain was excused for to-day, on account of sickness.

PETITIONS AND MEMORIALS.

By Senator Presler:

Petition of Teachers' Institute of Brown county, asking for the passage of a uniform text book bill.

Read and referred to the Committee on Education.

By Senator Darwin:

Petition of 180 citizens of Titus county, protesting against the passage of House bill No. 370, restoring the civil jurisdiction to the County Court of said county.

Read and referred to Judiciary Committee No. 1.

By Senator Yett:

Petition of teachers of Travis county, requesting a proper observance of all legal holidays by the teachers of this State.

Read and referred to the Committee on Education.

By Senator Burns:

Memorial from 105 citizens of Waller county, praying that the branch university for colored youths should be established at and made a part of the Prairie View Normal.

Read and referred to the Committee on Education.

By Senator Beall:

Petition from the Hillsboro School Board, praying for the passage of an act authorizing city and town public schools to pay janitors and purchase school supplies, etc.

Read and referred to the Committee on Education.

HOUSE MESSAGES.

The following House messages were received:

Hall House of Representatives,
Austin, Texas, March 9, 1897.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bills:

House bill No. 513, a bill to be entitled "An act to diminish the civil and criminal jurisdiction of the County Court of Marion county in this State, and conform the jurisdiction of the District Court of said county to such change."

House bill No. 396, a bill to be entitled "An act to amend article 616a, of the Revised Statutes of the State of Texas of 1895, relating to the formation of independent school districts, and prohibiting towns within such districts from assuming control of the schools therein while the independent district exists."

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

IN SENATE.

The above reported House bills were read first time and referred as follows:

House bill No. 513 to Judiciary Committee No. 1.

House bill No. 396 to Committee on Education.

House of Representatives,
Austin, Texas, March 9, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate that the House has appointed the following conference committee on Senate bill No. 52: Messrs. Williams, Logan, Lillard, Hensley, Rhea.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, March 8, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 273, a bill to be entitled "An act to regulate chattel mortgages and trust deeds executed by an insolvent debtor for the purpose of securing preferred creditors, and to

punish fraudulent debtors and fraudulent preferred creditors."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,

Austin, Texas, March 8, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Education, to whom was referred

Senate bill No. 243, a bill to be entitled "An act to require every public school in this State to be taught for a term of at least four months in each year."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

PRESLER, Chairman.

Committee Room,

Austin, Texas, March 8, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Education, to whom was referred

Senate bill No. 242, a bill to be entitled "An act defining the purposes for which the school funds of the State may be expended, and requiring the treasurers of such funds to make annual reports."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend by inserting after the word "supplies," in section 1, the following: "And insurance on school buildings and school property."

PRESLER, Chairman.

MAJORITY REPORT.

Committee Room.

Austin, Texas, March 8, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Committee on Education, to whom was referred

House bill No. 262, a bill to be entitled "An act to amend article 3973 of the Revised Civil Statutes of the State of Texas, by adding thereto article 3973e, providing for the issuance of permanent certificates to teachers who have taught five years successfully and continuously in one of the public free schools of this State; said certificate to be good for the county of its issuance,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

PRESLER, Chairman.

MINORITY REPORT.

Committee Room,

Austin, Texas, March 8, 1897.

Hon. George T. Jester, President of the Senate:

Sir: The undersigned, a minority of your Committee on Education, beg to dissent with the majority and recommend that House bill No. 262 do pass, with the following amendment:

Amend section 1 of the bill by inserting the following: "Article 3973e. Teachers having first-class certificates, and teaching in a school of a city of town having control of its own schools, or in an independent school district, for three years successively, may have their certificates renewed annually thereafter by a two-thirds vote of the school board, and when so renewed shall not be required to undergo the annual examination for a teachers' certificate,

Provided, that nothing in this act shall exempt superintendents of city or town schools from examinations in the manner prescribed for teachers holding first grade certificates, whenever the board of trustees require such examination.

With the adoption of the above amendment to the House bill no injustice to competent teachers will be done, and besides, no injury to the schools affected would follow. On the other hand, we believe it would build up schools and furnish them with teachers of merit and stability.

COLQUITT,
PRESLER,
BOWSER.

Committee Room,

Austin, Texas, March 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 227, a bill to be entitled "An act to create a more efficient road system for McLennan county, Texas, and making county commissioners of said county ex officio road commissioners and prescribing their duties as such, and defining the powers and duties of such road commissioners, providing for the appointment of road overseers and defining their duties, and for the working of county con-

victs on the public roads of said county, and providing for officers' fees, and rewards and penalties for said convicts, and rewards for the capture of escaped convicts, and to provide for the manner of training and maintaining hedges along all public roads, and to provide for the summoning of teams for road work, and for an allowance for time of road service for the same, and fixing a penalty for a violation of this act, and to repeal all laws in conflict herewith,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, March 8, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 251, a bill to be entitled "An act to prohibit in certain cases the gathering of pecan nuts, and the cutting, injuring or destroying of pecan trees, and prescribing a penalty therefor."

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, March 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 79, a bill to be entitled "An act to amend article 2640 of the Revised Civil Statutes of the State of Texas, relating to loaning money of wards by their guardian."

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, March 9, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 128, a bill to be entitled "An act to amend article 128, title IX, chapter 1, of the Revised Civil Statutes of the State of Texas, relating to the apprehension of lunatics."

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

Committee Room,
Austin, Texas, March 9, 1897.

Hon. George T. Jester, President of
the Senate.

Your Committee on Engrossed Bills
have carefully examined and com-
pared

Senate bill No. 208, a bill to be en-
titled "An act to repeal article 5172 of
the Revised Civil Statutes of the State
of Texas, relating to the payment of
taxes by non-residents."

And find the same correctly en-
grossed.

DIBRELL, Acting Chairman.

BILLS AND RESOLUTIONS.

By Senator Greer:

Senate bill No. 277, a bill to be en-
titled "An act to amend article 848 of
chapter 4, title 9, of the Code of Crimi-
nal Procedure of the State of Texas,
adopted at the regular session of the
Twenty-fourth Legislature, 1895, so as
to require all fines to be payable in
lawful money of the United States,
or county script, and further regulat-
ing the payment of bail bonds, recogni-
zances, forfeitures and other undertak-
ings, and to repeal all laws in conflict
therewith."

Read first time and referred to Ju-
diciary Committee No. 2.

By Senator Beall:

Whereas, the Hon. R. E. Steele of
Limestone county, on honored member
of the Senate of the Twenty-fourth
Legislature, wherein he was the wise
expounder of constitutional law, is in
the city; therefore be it

Resolved by the Senate, that he be
invited to a seat within the bar of the
Senate.

Adopted, and Senator Beall appoint-
ed to escort the ex-Senator to a seat
with the President.

By Senator Ross:

Whereas, the Hon. Jos. D. Sayers,
ex-Lieutenant Governor and member
of Congress from the Austin district,
is in the city; therefore

Resolved, that the privileges of the
floor be extended to him.

Adopted, and Senator Ross appointed
to escort the honorable gentleman to
a seat with the President.

Call concluded.

On motion of Senator Stafford, the
regular order of business was sus-
pended, to take up on its second read-
ing,

Senate bill No. 199, a bill to be en-
titled "An act to repeal article 491,
chapter 2, title 13, of the Penal Code
of the State of Texas of 1895, relating

to offenses pertaining to public roads
and irrigation."

Bill read second time, and ordered
engrossed.

On motion of Senator Stafford, the
regular order of business was sus-
pended to take up, on its second read-
ing,

Senate bill No. 211, a bill to be en-
titled "An act to amend article 958 (805)
of title XVIII, chapter 1, of the Penal
Code of the State of Texas, relative to
conspiracy to commit murder, rape,
etc."

Bill read second time, and ordered
engrossed.

On motion of Senator Yantis, the
regular order of business was sus-
pended to take up, on second reading,

Senate bill No. 212, a bill to be en-
titled "An act to provide a penalty for
the failure or refusal of any president,
vice president, cashier of a national
bank to furnish the tax assessor or the
deputy tax assessor a correct state-
ment of the assets and liabilities of the
national bank of which such person is
president, vice president or cashier."

Bill read second time, and ordered
engrossed.

On motion of Senator Rogers, the
regular order of business was sus-
pended to take up, on its second read-
ing,

Senate bill No. 180, a bill to be en-
titled "An act to amend article 5098 of
chapter 3, title CIV, of the Revised
Civil Statutes of the State of Texas,
relating to the rendition of property
for taxation."

Bill read second time.

By Senator Rogers:

Amend line 19, page 1, by inserting
after the word "1st" the following:
"And true and full valuation."

Adopted.

By Senator Tillett:

Amend by striking out the words
"section 2," in line 27, page 1, and in
lieu thereof insert "section 3," and
after section 1 add the following:

"Section 2. Any tax assessor who
violates the provisions of the forego-
ing article shall be guilty of a misde-
meanor, and upon conviction therefor
shall be fined in any sum not exceeding
one hundred dollars."

Adopted by the following vote:

Yeas—15.

Beall.
Boren.
Bowser.
Burns.
Dibrell.

Goss.
Greer.
Linn of Wharton.
Presler.
Rogers.

Ross. Tillett.
Stafford. Yett.
Terrell.

Nays—6.

Colquitt. Stone.
Gough. Wayland.
Harrison. Yantis.

Absent.

Atlee. Kerr.
Darwin.

Excused.

Bailey. Neal.
Lewis. Turney.
Linn of Victoria. Woods.
Morris.

By Senator Tillett:

Amend the caption by adding there-
to the following: "And providing
punishment for a violation thereof."

Adopted.

By Senator Rogers:

Amend section 1, page 1, line 26,
after the word "list" the following:
the following: "To the best of my
knowledge and belief."

Adopted.

Senator Tillett moved to lay the bill
on the table subject to call.

Senator Gough moved as a substitute
that the bill be indefinitely postponed.

Indefinitely postponed, by the follow-
ing vote:

Yeas—12.

Mr. President. Presler.
Boren. Stafford.
Bowser. Stone.
Gough. Wayland.
Harrison. Yantis.
Linn of Wharton. Yett.

Nays—11.

Beall. Greer.
Burns. Rogers.
Colquitt. Ross.
Darwin. Terrell.
Dibrell. Tillett.
Goss.

Absent.

Atlee. Kerr.

Excused.

Bailey. Neal.
Lewis. Turney.
Linn of Victoria. Woods.
Morris.

On motion of Senator Goss, the
usual order of business was suspended,
to take up on its second reading,

Senate bill No. 63, a bill to be enti-
tled "An act to repeal articles 4218d
and 4218i, chapter 12a, title 87, of the
Revised Statutes of the State of Texas,

and to add to said chapter article
4218ff, and to amend articles 4218e,
4218f and 4218s of said chapter and ti-
tle, relating to the sale and lease of
the public free school and asylum
lands,"

By the following vote:

Yeas—17.

Beall. Linn of Wharton.
Bowser. Presler.
Burns. Rogers.
Darwin. Stone.
Dibrell. Tillett.
Goss. Wayland.
Gough. Yantis.
Greer. Yett.
Harrison.

Nays—5.

Boren. Stafford.
Colquitt. Terrell.
Ross.

Absent.

Atlee. Kerr.

Excused.

Bailey. Neal.
Lewis. Turney.
Linn of Victoria. Woods.
Morris.

Bill read second time, with commit-
tee substitute.

(Senator Beall in the chair.)

Committee substitute adopted.

By Senator Goss:

Amend on page 2, line 14, of printed
bill, by adding after the word "he" the
following: "Or his vendor."

On motion of Senator Goss, the bill
and amendment thereto was laid on
the table subject to call.

PENDING BUSINESS.

The Chair laid before the Senate,

Senate bill No. 33, a bill to be enti-
tled "An act to protect accountants,
bookkeepers, artisans, craftsmen, fac-
tory operatives, mill operatives, serv-
ants, mechanics, quarrymen and com-
mon laborers; to provide a lien and to
prescribe the time of payment, etc."

Action being on the following
amendment:

By Senator Dibrell:

Amend by adding in line 28, section
1, after the word "trustees," the fol-
lowing: "Provided, that when any
farm hand desires to take advantage
of the provisions of this act he shall be
required to foreclose his lien as against
farm products before the same leaves
the premises upon which such farm
products are produced."

By Senator Greer:

Substitute for the amendment the following:

Add after the word "given," in line 15, page 2: "Provided, that any purchaser of agricultural products from the owner thereof shall acquire, as against a farm hand, a good title thereto, unless he has, at the time of purchase, actual or constructive notice of the claim of such farm hand upon such products, said constructive notice to be given by a record of such claim as provided for in this act, or by suit filed."

Adopted.

On the adoption of the amendment as substituted there was no quorum, the following vote appearing:

Yeas—11.

Beall.	Linn of Wharton.
Bowser.	Ross.
Burns.	Stone.
Goss.	Tillett.
Greer.	Yett.
Harrison.	

Nays—7.

Colquitt.	Stafford.
Darwin.	Terrell.
Gough.	Yantis.
Rogers.	

Absent.

Atlee.	Kerr.
Boren.	Presler.
Dibrell.	Wayland.

Excused.

Bailey.	Neal.
Lewis.	Turney.
Linn of Victoria.	Woods.
Morriss.	

Senator Gough moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Beall.	Linn of Wharton.
Boren.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Stone.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Yantis.
Greer.	Yett.
Harrison.	

Absent.

Atlee.	Wayland.
Kerr.	

Excused.

Bailey.	Neal.
Lewis.	Turney.
Linn of Victoria.	Woods.
Morriss.	

Senator Colquitt moved that the Sergeant-at-Arms be instructed to bring in the absentees.

Carried.

A quorum appearing, action was again had on the amendment of Senator Dibrell as substituted by Senator Greer. (See above.)

Same was adopted by the following vote:

Yeas—14.

Beall.	Greer.
Boren.	Linn of Wharton.
Bowser.	Presler.
Burns.	Ross.
Darwin.	Stone.
Dibrell.	Tillett.
Goss.	Yett.

Nays—7.

Colquitt.	Stafford.
Gough.	Terrell.
Harrison.	Yantis.
Rogers.	

Absent.

Atlee.	Wayland.
Kerr.	

Excused.

Bailey.	Neal.
Lewis.	Turney.
Linn of Victoria.	Woods.
Morriss.	

By Senator Greer:

Amend by adding after "trustees," line 28, page 1, the following: "Provided, that the lien herein given to a farm hand upon agricultural products shall be subordinate to the landlord's lien on the same."

Adopted.

By Senator Gough:

Amend by adding at the end of section 7 the following: "Provided, that this act shall not be so construed as to repeal chapter 2, of title LXVI, of the Revised Civil Statutes of the State of Texas, relating to liens of mechanics, contractors, builders and material men."

Adopted.

By Senator Greer:

Amend section 2 by adding after the word "same," page 2, line 11, the following: "A compliance with the foregoing requirements in this section shall be necessary to fix and preserve the lien given under this act; and the liens of different persons shall take precedence in the order in which they are filed."

Adopted.

By Senator Linn of Wharton:

Amend by striking out the words "or implied," in line 18, page 1.

Adopted.

Senator Gough moved to reconsider the vote by which the amendment (Linn's) was adopted.

Reconsidered by the following vote:

Yeas—12.

Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Goss.	Terrell.
Gough.	Wayland.
Harrison.	Yantis.

Nays—10.

Beall.	Linn of Wharton.
Boren.	Presler.
Darwin.	Stone.
Dibrell.	Tillett.
Greer.	Yett.

Absent.

Atlee.	Kerr.
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Excused.

Bailey.	Neal.
Lewis.	Turney.
Linn of Victoria.	Woods.
Morriss.	

The amendment was then adopted by the following vote:

Yeas—13.

Beall.	Presler.
Boren.	Ross.
Burns.	Stone.
Darwin.	Tillett.
Dibrell.	Wayland.
Greer.	Yett.
Linn of Wharton.	

Nays—9.

Bowser.	Rogers.
Colquitt.	Stafford.
Goss.	Terrell.
Gough.	Yantis.
Harrison.	

Absent.

Atlee.	Kerr.
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Excused.

Bailey.	Neal.
Lewis.	Turney.
Linn of Victoria.	Woods.
Morriss.	

By Senator Linn of Wharton:

Amend by inserting the word "or" after the word "written," line 17 on page 1.

Adopted.

By Senator Linn of Wharton:

Amend by striking out the words "or implied," in line 21, page 1, printed bill.

Adopted.

By Senator Linn of Wharton:

Amend by inserting the word "or" in line 20, page 1, after the word "written."

Adopted.

By Senator Yantis:

Amend by adding the words "farm hand," in line 32, page 1, between the words "bookkeeper" and "artisan."

Adopted.

Senator Colquitt moved to reconsider the vote by which the amendment offered by Senator Tillett on yesterday, to-wit: Amend line 12, page 2, by striking out "12" and insert in lieu thereof "6," was lost.

Reconsidered.

The amendment was then adopted by the following vote:

Yeas—19.

Beall.	Rogers.
Boren.	Ross.
Bowser.	Stafford.
Burns.	Stone.
Colquitt.	Terrell.
Dibrell.	Tillett.
Gough.	Wayland.
Greer.	Yantis.
Linn of Wharton.	Yett.
Presler.	

Nays—3.

Darwin.	Harrison.
Goss.	

Absent.

Atlee.	Kerr.
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Excused.

Bailey.	Neal.
Lewis.	Turney.
Linn of Victoria.	Woods.
Morriss.	

By Senator Goss:

Amend section 1, line 17, by adding after the word "character" the words "or on any farm."

Adopted.

By Senator Dibrell:

Amend by substituting "6" for "12," in line 4, section 6, on page 3.

Adopted.

By Senator Tillett:

Amend by adding after the word "same" (of the bill as now amended by Senator Greer's amendment) the following, "and to liens given for supplies furnished or to be furnished the tenant which have been duly executed and filed at the time such farm hand began his employment."

Lost.

Bill as amended ordered engrossed.

On motion of Senator Burns, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—21.

Beall.	Presler.
Boren.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.
Dibrell.	Tillett.
Gough.	Wayland.
Greer.	Yantis.
Harrison.	Yett.
Linn of Wharton.	

Nays—none.

Absent.

Atlee.	Kerr.
Goss.	

Excused.

Bailey.	Neal.
Lewis.	Turney.
Linn of Victoria.	Woods.
Morriss.	

Bill read third time, and passed by the following vote:

Yeas—21.

Beall.	Presler.
Boren.	Rogers.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Stone.
Darwin.	Terrell.
Dibrell.	Tillett.
Gough.	Wayland.
Greer.	Yantis.
Harrison.	Yett.
Linn of Wharton.	

Nays—none.

Absent.

Atlee.	Kerr.
Goss.	

Excused.

Bailey.	Neal.
Lewis.	Turney.
Linn of Victoria.	Woods.
Morriss.	

Senator Harrison entered a motion to reconsider the vote by which consideration of

Senate bill No. 180, a bill to be entitled "An act to amend article 5098, chapter 3, title CIV, of the Revised Civil Statutes of the State of Texas, adopted April 29, 1895, relating to the rendition of property for taxation,"

Was indefinitely postponed.

Senator Gough called up the motion to reconsider (Harrison's), and moved to table same.

Lost by the following vote:

Yeas—10.

Boren.	Dibrell.
Bowser.	Gough.

Linn of Wharton.	Stone.
Presler.	Wayland.
Stafford.	Yantis.

Nays—12.

Beall.	Harrison.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Terrell.
Goss.	Tillett.
Greer.	Yett.

Absent.

Atlee.	Kerr.
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Excused.

Bailey.	Neal.
Lewis.	Turney.
Linn of Victoria.	Woods.
Morriss.	

The motion to reconsider then prevailed by the following vote:

Yeas—15.

Beall.	Harrison.
Boren.	Presler.
Burns.	Rogers.
Colquitt.	Ross.
Darwin.	Terrell.
Dibrell.	Tillett.
Goss.	Yett.
Greer.	

Nays—7.

Bowser.	Stone.
Gough.	Wayland.
Linn of Wharton.	Yantis.
Stafford.	

Absent.

Atlee.	Kerr.
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Excused.

Bailey.	Neal.
Lewis.	Turney.
Linn of Victoria.	Woods.
Morriss.	

(Lieutenant Governor Jester in the chair.)

The chair gave notice of signing, Senate bill No. 36, a bill to be entitled to amend article 723 of the Code of Criminal Procedure of the State of Texas, relating to the reversal of cases by the Court of Criminal Appeals."

Pending which,

Senator Colquitt made the point of order that the concurrence of the Senate in House amendment to the bill was incomplete, for the reason that the substitute motion (see Journal of March 6) to concur had not been adopted as substituted, and which was necessary.

Ruled well taken.

Senator Colquitt moved that the notice given the House of the Senate's concurrence be withdrawn.

Carried.

Senator Colquitt moved that the Senate take a recess until 3 p. m.

Senator Presler moved that the Senate adjourn to 10 a. m. to-morrow.

Lost by the following vote:

Yeas—7.

Boren.	Rogers.
Goss.	Stone.
Gough.	Yett.
Presler.	

Nays—15.

Beall.	Linn of Wharton.
Bowser.	Ross.
Burns.	Stafford.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Wayland.
Greer.	Yantis.
Harrison.	

Absent.

Atlee.	Kerr.
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Excused.

Bailey.	Neal.
Lewis.	Turney.
Linn of Victoria.	Woods.
Morriss.	

The Senate then took a recess until 3 p. m.

AFTER RECESS.

Lieutenant-Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Beall.	Linn of Wharton.
Boren.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stone.
Darwin.	Terrell.
Dibrell.	Tillett.
Goss.	Wayland.
Gough.	Yantis.
Greer.	Yett.
Harrison.	

Absent.

Atlee.	Stafford.
Kerr.	

Excused.

Bailey.	Neal.
Lewis.	Turney.
Linn of Victoria.	Woods.
Morriss.	

Senator Rogers moved to reconsider the vote by which the resolution offered by Senator Boren on yesterday, to-wit:

Resolved, that special committee appointed to visit penitentiaries, State farms, etc., be allowed a clerk to ac-

company them, and that Mr. R. F. Powell be assigned to said duty,

Was referred to the Committee on Rules.

Senator Darwin moved to lay the motion to reconsider on the table.

The vote being taken, showed no quorum.

On motion of Senator Bowser, the regular order of business was suspended to take up from the table

Senate bill No. 162, a bill to be entitled "An act granting permission to M. T. and M. C. Chapman, or their assigns, to bring suit against the State of Texas in the district court of Kaufman county, to ascertain the amount, if any, the State is indebted to said M. T. and M. C. Chapman, or their assigns, on account of the sinking of an artesian well for the State at the North Texas Insane Asylum, at Terrell, Texas."

Action being on engrossment.

(President pro tem. Dibrell in the chair.)

By Senator Ross:

Amend by striking out the word "Kaufman," in line 14, and insert the word "Travis."

Lost.

By Senator Terrell:

Amend by striking out all of section 1, after the word "Terrell," in line 17, and insert the following: "Provided, that they shall give a good and sufficient bond in the sum of \$7000, due and payable to the State of Texas, conditioned that they will pay all such damages and costs as may be awarded against them on a plea in reconvention."

No quorum appearing, Senator Beall moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Beall.	Harrison.
Boren.	Linn of Wharton.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stone.
Darwin.	Terrell.
Dibrell.	Tillett.
Gough.	Wayland.
Greer.	Yett.

Absent.

Atlee.	Presler.
Goss.	Stafford.
Kerr.	Yantis.

Excused.

Bailey.	Neal.
Lewis.	Turney.
Linn of Victoria.	Woods.
Morriss.	

It appearing that no quorum could be had,

On motion of Senator Tillett, the Senate adjourned to 10 a. m. to-morrow.

FORTY-FOURTH DAY.

Senate Chamber,

Austin, Tex., Wednesday, Mar. 10.

Senate met pursuant to adjournment.

President pro tem. Dibrell in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Rogers.
Beall.	Ross.
Bowser.	Stafford.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Tillett.
Dibrell.	Turney.
Gough.	Wayland.
Greer.	Woods.
Harrison.	Yantis.
Linn of Wharton.	Yett.
Presler.	

Absent.

Boren.	Kerr.
Goss.	Lewis.

Excused.

Bailey.	Morriss.
Linn of Victoria.	Neal.

Prayer by Rev. J. A. Jackson, Chaplain of the House of Representatives.

Pending the reading of the Journal of yesterday,

On motion of Senator Woods, the same was dispensed with.

On motion of Senator Burns,

Senator Atlee was excused for non-attendance on yesterday, on account of important business.

On motion of Senator Woods,

The Assistant Secretary, Mr. Dodson, was excused for Monday and Tuesday, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Colquitt:

Protest of a large number of citizens against the passage of Senate bill No. 119. (Regulating the manufacture and sale of oleomargarine.)

Read and referred to the Committee on Public Health.

By Senator Harrison:

Petition of 125 citizens of Bell county, protesting against the passage of

Senate bill No. 119. (Regulating the manufacture and sale of oleomargarine.)

Read and referred to the Committee on Public Health.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, March 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 263, a bill to be entitled "An act to lease to H. P. N. Gammel of Austin, Travis county, Texas, the stereotyped plates of volumes fifty-six (56) to eighty-six (86), inclusive, of the Texas Reports, being reports of the decisions of the Supreme Court of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, March 9, 1897.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 213, a bill to be entitled "An act to restore and confer upon the county court of Hardin county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and General Statutes of Texas; to define the jurisdiction of said court; to conform the jurisdiction of the district court of said county to such change; to fix the time of holding court, and to repeal all laws in conflict with this act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DIBRELL, Acting Chairman.

Committee Room,

Austin, Texas, March 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

House bill No. 370, a bill to be entitled "An act to restore and confer upon the county court of Titus county the civil jurisdiction heretofore belonging to said county under the Constitution and General Laws of this State, and to conform the jurisdiction of the district court of said county to said change."